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NOTIFICATION BY THE SECRETARY-GENERAL UNDER ARTICLE 12, PARAGRAPH 2, OF THE CHARTER OF THE UNITED NATIONS

REPORT OF THE SECRETARY-GENERAL ON THE WORK OF THE ORGANIZATION

LAW OF THE SEA

IMPLEMENTATION OF THE DECLARATION OF THE INDIAN OCEAN AS A ZONE OF PEACE

MAINTENANCE OF INTERNATIONAL SECURITY

Letter dated 4 September 1996 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith a note verbale dated 20 August 1996 outlining the position of Qatar with regard to the promulgation by the Islamic Republic of Iran of the act entitled "Act on the Marine Areas of the Islamic Republic of Iran in the Persian Gulf and the Oman Sea, 1993".

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the fiftieth session of the General Assembly under agenda items 7, 10, 39, 76 and 81.

(Signed) Hassan Ali Hussain AL-NI'MAH
Permanent Representative

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Annex

Note verbale dated 20 August 1996 from the Permanent Mission of Qatar to the United Nations addressed to the Secretariat

The Permanent Mission of the State of Qatar to the United Nations presents its compliments to the Secretariat of the United Nations and has the honour to inform it that Qatar, after careful consideration of the Act on the Marine Areas of the Islamic Republic of Iran in the Persian Gulf and the Oman Sea, 1993, is of the opinion that some articles of the aforementioned Act are inconsistent with the provisions of international law. Qatar therefore reserves its rights and the rights of its citizens in this regard.

Qatar would like to draw attention to the fact that the use by the Islamic Republic of Iran of the baseline to measure its territorial sea, in accordance with the above-mentioned Act, contravenes the customary law enshrined in international law and the 1982 United Nations Convention on the Law of the Sea. This is because there are no geographical phenomena other than natural ones on the Iranian coast to justify using such lines.

Further, the above-mentioned Act states that the waters between islands belonging to the Islamic Republic of Iran, where the distance of such islands does not exceed 24 nautical miles, form part of the internal waters of the Islamic Republic of Iran. This clearly contravenes the provisions of the law of the sea: the waters between the islands cannot be considered internal waters of the Islamic Republic of Iran except under certain conditions, which do not obtain on the Iranian coastline.

Qatar would also like to refer to article 19, paragraph 2 (h), of the 1982 United Nations Convention on the Law of the Sea, which states that "any act of wilful and serious pollution" is considered contrary to the provisions of the Convention. The provisions of article 6 (g) of the Iranian Act are therefore in clear contravention of the Convention with regard to activities prejudicial to the peace and security of the coastal State.

Similarly, it is necessary to refer to article 21, paragraph 4, of the 1982 United Nations Convention on the Law of the Sea, which provides for compliance with the laws and regulations adopted by a coastal State inasmuch as such laws and regulations conform to generally accepted international regulations. Here, Qatar would like to note that article 7 of the Iranian Act, which states that the Government of the Islamic Republic of Iran "shall adopt such other regulations as are necessary for the protection of its national interests", gives Iran no more rights than those provided for by the law of the sea.

Article 9 of the Iranian Act states that the passage of warships and nuclear-powered ships and vessels through the Iranian territorial sea is subject to the prior authorization of the relevant authorities of the Islamic Republic of Iran. The same article also requires that submarines exercising the right of innocent passage should navigate on the surface, and show their flag. There is no basis for these demands in the 1982 Convention, and Qatar will continue to reject outright such restrictions on the right of innocent passage.

Attention should be paid to the scope of the coastal State's jurisdiction in the contiguous zone, that is, the area adjacent to its territorial sea. It should be confined to the right of the coastal State to exercise the necessary authority in order to prevent contravention of its laws and regulations governing customs, taxes, immigration and health inside its territory or territorial sea. The authority of the coastal State to apply its environmental rules outside its territorial waters was provided for by article 220 of the Convention. The provisions in article 13 of the aforementioned Act regarding measures to be taken in the contiguous zone to prevent the infringement of the environmental and security regulations of the Islamic Republic of Iran go well beyond what is permitted by international law.

Similarly, article 14, subparagraph (a), of the Act gives the Islamic Republic of Iran the right to demand greater authority in order to control the laying of marine cables and pipelines on the part of the continental shelf belonging to the Islamic Republic of Iran than is permitted by international law and laid down in article 79 of the Convention.

Furthermore, international law permits the coastal State to conduct only marine scientific research in its exclusive economic zone, not 'any kind of research', as stated in article 14, subparagraph (b) (ii), of the aforementioned Iranian Act. Specifically, hydrographical research outside territorial waters is not considered marine scientific research as it is understood in the Convention, and therefore does not come under the jurisdiction of the coastal State.

Qatar would also like to note that article 16 of the Iranian Act, which seeks to prohibit the military aircraft and shipping of other States from exercising the right of innocent passage in the Iranian exclusive economic zone, contravenes the provisions and principles of international law regarding the high seas.

Qatar would like to emphasize that these objections are not intended as criticism of the Islamic Republic of Iran, but merely to clarify the position of the State with respect to the international provisions and principles of the law of the sea as laid down in international customary law, treaties and practices.